

REMARKS

There remains pending in this application claims 1-8 and 11-19, of which claim 1 is the sole independent claim. No claims have been added or cancelled.

The above amendments have been made in light of the comments presented by the Examiner in the outstanding Official Action. In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

The invention as set forth in independent claim 1 is directed to a punching device comprising a die member having a plurality of die holes together with a plurality of punch members which are caused to advance into the die holes to punch holes in a sheet. There is an operating member having cam portions and which is moved along the direction intersecting the direction of advancement of the punch members to cause the punch members to advance into die holes by the cam portion. A control means is provided for controlling movement of the operating member wherein the control means performs an initializing operation for moving the operating member to a first rest position or to a second rest position before the control means performs a punching operation for punching holes in the sheet while moving the operating member between the first rest position and the second rest position. In the initializing operation the operating member is moved to the first rest position when the operating member is located nearer the second rest position than the first rest position and the operating member is moved to the second rest position when the operating member is located nearer the first rest position than the second rest position.

Each of claims 1-8 and 11-19 was rejected under 35 U.S.C. § 102(e) as being anticipated by Fukimoto et al. (U.S. Patent No. 6,622,908). In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Mores specifically, Applicants have carefully amended independent claim 1 in a way that is believed to more clearly define the initializing operation, the first rest position and the second rest position. Such further clarifying language for claim 1 is believed to make clear that the initializing operation is not the operation for turning on the punching device to move the operating member from a first rest position (when the power of the punching device is off) to a second rest position (when the punching device completes punching holes on a workpiece). As now made clear in claim 1, the initializing operation moves the operating member to either the first rest position or the second rest position and in both cases the movement is before the control means performs a punching operation.

As noted previously, Fukimoto et al. relates only to moving the operating member at the time of punching and is not understood to disclose or suggest the initializing operation for moving the operating member before punching, as now more clearly recited in claim 1. Applicants respectfully submit that independent claim 1 is now clearly distinguishable over the applied art.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from claim 1 and are therefore patentable over the art of record for reasons noted above with respect to claim 1. In addition, each recite features of the

invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

There is also accompanying this Amendment an Information Disclosure Statement to cite documents cited in a corresponding foreign application. The Examiner is respectfully requested to consider those references in light of the claims as amended.

Applicants respectfully submit that all outstanding matters in this application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Lawrence A. Stahl
Attorney for Applicants
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

LAS:eyw